

In The United States District Court
For The District Of Delaware

Ronald G. Johnson #04431-015)
Movant ,F.O.C. Philadelphia, Pennsylvania)
V. P.O. Box 562)
Philadelphia, PA. 19106) Criminal Action No. 05-29-KAJ

United States OF America

" Filing OF Three Motion "

1.) Motion For A Stay OF All Proceeding, Sentencing et al.,

In This Case, Until The Court Gives My Petition

For Writ OF Habeas Corpus A Civil Action

Number, And Reach The Merits OF My Petition."

And

2.) Motion For A Stay OF All Proceeding, Till The
Court Address Defendant's Numerous Motions For

Reconsideration, And Rule 60(b), That Merits

Reversal OF Conviction OF This Technical Violation."

And

3.) Motion To Be Released Pending The Court's
Resolving OF These Motions In Support of said
Motion Defendant asserts the Following.

Comes Now, The Defendant and Moves this Honorable
Court For And Stay OF all proceedings, Sentencing et al.,

until The Court give my Petition for Writ OF Habeas Corpus A Civil Action Number And the merits OF my Petition is reached.

Defendant Further Moves the Court for A Stay Until the Court address his numerous Motions and Rule 60(b)s filed that Merits a Reversal OF Conviction OF this Technical Violation "

Defendant Lastly Moves this Honorable Court for his release pending the Court resolving OF these Motions and petition . In Support thereof petitioner and Movant asserts the following -

4.) " Statement OF The Facts " "

a) The Defendant has Filed a Petition For Writ OF Habeas Corpus pursuant to Title 28 USC 2241(c)(3) brought under the Saving Clause OF Title 28 USC 2255 . All remedies possible has been exhausted in Convicting and sentencing district . Therefor this is proper District Court to File . Said Writ OF Habeas Corpus .

" Errors OF District Court " "

b. The District Court has erroneously Consolidated my Petition for Writ OF Habeas Corpus with this Violation OF Probation Hearings . A Writ OF Habeas Corpus is a Civil Action Lawsuit and requires it's own Civil Action Number and is a Separate Action and a Separate Case .

c) My Filed Writ OF Habeas Corpus Challenges the legality and Constitutionality of my Continuing Custody OF the

United States Probation Office And the United States Attorney's Office and or the United States of America et al.) Therefore no further proceeding should continue till my petition for Writ of Habeas Corpus is resolved.

Concluding

d) The Court Should Order a Stay OF all proceedings till the Constitutionality and Legality of my continual custody is resolved. Because My Petition for Writ of Habeas Corpus Could make further proceedings meritless and moot.]

5)" Reference To Pending Motions And Rule 60(b)s et al.)

Comes Now, The Defendant and Moves the Court for a Stay OF All Futher proceeding until the Court address es Defendant's numerous Motion and Rule 60(b)s et al., file in the Court. The Defendant assert the following in Support

Statement OF The Facts

The Defendant has Filed numerous Motions that Merits Reversal OF this Conviction OF Violation OF Probation. Therefore the Court Should Stay all Proceedings till Defendant's Numerous Motion has been addressed.

6) Conclusion

The Defendant has already presented to the Court the fact that he has Maxed-out all possible sentence for this Technical Violation.

"Certificate of Service And Oath and AFFidavit"
I declare under penalty of perjury. I further declare that

Writ of Habeas Corpus

After Release After serving All Jail Time

* * Corafina v. La Valle (1968) 391 U.S. 234, 20 LEd2d 554
88 S.Ct. 1556

Grundset v. Franzen (1982, Ct. of Ill) 657 F.2d 870

* Spencer v. Kemna (1998) 523 US 1 140 LEd2d 43
118 S.Ct. 978

* Anderson v. Smith (1984, Ct. of NJ) 751 F.2d 96

[McClain v. United States 605 (1996 ND Ill) 936 F.Supp 505]

* * [Mai Chong v. Dist. Dir. INS (2001 CA3 NJ) 264 F.3d 57]
Petitioner is released at time petition is filed.

* Glaser v. North Carolina (1969, ED NC) 301 F.Supp 364

* Marple v. Menson (1974, DC Conn) 373 F.Supp. 757
Petition for Custody

* Benson v. California (1964, CA9 Cal) 32%

* Mc Clain v. Bureau of Prisons (1993 CA6 Term) 7 F.3d 503

* U.S. ex rel De Rosa v. Superior Court of New Jersey (1974 DC NJ)
379 F.Supp 957

"Delay In Revocation Hearing"

* * Johnson v. Hulley (1975 CA7 Ind) 523 F.2d 116

* Creech v. United States 63, 35 F.2d (1976 CA8 Minn) 538 F.2d 205

* Walton v. Wright (1976, NL Wis) 407 F.Supp 723, 424 F.2d 7710

* * Wilcox v. U.S. Parole Com. (1993, ND Va) 810 F.Supp 186

Must show Prejudice by the delay

"Exhibit - A"

United States Court OF Appeals

For The Third Circuit
"Civil Division"

Ronald G. Johnson #04431-015)
Petitioner)
Vs.)

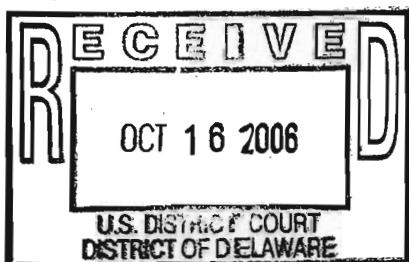
) Case No. 06-3023

United States District Court, For The)
District of Delaware, et.al.,)

"Amendment"

"Petition For Declaratory Relief and Injunction Relief"

Pursuant To Title 28 USC 2202 and 28USC 2201



Comes Now, The Petitioner Ronald G. Johnson and
Moves and Petition this Honorable Court for Declaratory Relief
and Injunction Relief in Support thereof petitioner and Movant
presents the following.

1.) Relief Sought

a) Petitioner Petitions and Moves this Honorable Court to "Order" a Stay
and Stop of all proceeding in the District Court, For The District of Dela-
ware, until the District Court of Delaware give his petition for Writ
of Habeas Corpus, Pursuant to Title 28USC 2241(c)(3), brought under the
"Saving Clause" and "Safety Valve" of 2255 a Civil Action Number. And
the Merits of his Writ of Habeas Corpus is reached.

Statement Of The Facts

b) As Stated in my Original petition For Writ of Mandamus against
District Court. The District Court of Delaware, Mainly Hon. Judge Jurden
For Now over Several months has refused to give me a Civil Action

number to my Petition For Writ of Habeas Corpus. A Petition For Writ of Habeas Corpus is a Civil Action Lawsuit having nothing to do with a Criminal Case. The District Court has failed to give me Due Process of the Court to See Writ of Habeas Corpus relief. He has my Petition but refuses to give a Civil Action Number and to reach the merit of my Petition.

c.) Furthermore there is no reason to Continue Prosecution, and or Sentencing till the question and Constitutionality, Jurisdiction and Authority of the Wilmington Delaware Attorney General's office and United States Probation Office et.al., is resolved.

2.)

Relief Sought & Statement OF Facts

a) Order the District Court Judge Hon. Kent A. Jurden removed From residing and, presiding over my Writ of Habeas Corpus Case. He has been hired by the Judge and U.S. Attorney et. al., of the Western District of Virginia, District Court et.al., to uphold a illegal and UnConstitutional Conviction and sentence. Making him a Confederate of illegality in Violation of United States Congress and the Laws of the land, as Set Forth in Title 18 USC 241 and Title 18 USC 242. His devotion and loyalty of his Coconspirators has lead to his disability. How else can his actions be explains. Even ignorance is Considered a Disability.

3.)

Relief Sought

a) Petitioner Petitions and Moves this Honorable Court to "Order" Petitioner's immediate release

b.) Or Order the District Court, for The District of Delaware to have a immediate hearing to determine has the defendant and Petitioner has Maxed-out his maximum punishable Sentence For a

"Technical Violation", of being drunk in my bed 12:00 midnight.
[Evidence obtained by a illegal Search and seizure of State Officer,
In Violation of the Constitutional 4th Amendment. And Evidence that
Should be Suppressed] Pursuant to the Fruit -OF- The - Poisonous Tree-
Doctrine;" Because the officer knew I was on Probation and had
Just gotten out of prison, or Should have known this he was just
told it before illegally breaking in my home door, by my girlfriend.
But the Judge blinds his eyes and Claim Ignorance to the above
grounds to Suppress the illegally obtain evidence mainly that I was
drunk sleep in my bed 12:00 midnight.]

Statement OF The Facts

c.) A Technical Violation at its worst carries 4-8 months
in prison. I have been held for this Violation since May, 2005
it is now October 2006 , I have now been held 17 months, For
a Violation OF Probation Technical Violation that carries a Worst
8 month in prison with good time.

Conclusion

Due to the District Court's Disability ,Ignorance , and or his
Inability to handle the Simple issue of this case I petition this
Honorable to Order his remove and have a new Honorable Judge
to preside over my V.O.P. Hearing and my Petition For Writ of
Habeas Corpus, Also I move this Honorable Court to Order my
Petitioner's immediate release. Or Order the District Court
to immediate release me or have a hearing to release me
With-out reaching the merit of my V.O.P. Hearing .

"Oath And AFFidavit"

I Declare under penalty of perjury that the foregoing
is true and correct.

Declared October 4, 2006 Signed Ronald Johnson

CertifiCate OF Service

I Declare that United State Attorney General's
OFFice was serve , Shannon Tree Hanson , The U.S.District
Court For The District of Delaware And the U.S.Probation
OFFice these 4 Agencies and person was serve First
Class mail this date October 8 2006

Declare October 8, 2006 , Signed Ronald Johnson

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2006 OCT 23 AM 11:26

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

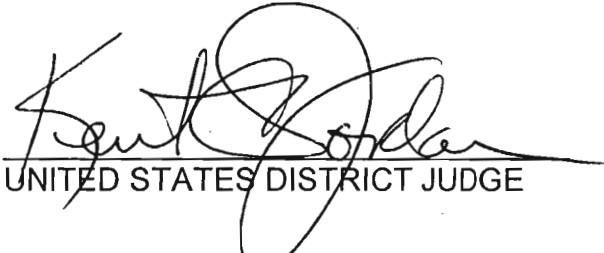
UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Criminal Action No. 05-29-KAJ
RONALD G. JOHNSON,)
Defendant.)

ORDER

The defendant having filed a document entitled "Administrative Notice[:] the Defendant Has Maxed-Out and Served Over the Maximum Sentence of this Grade C Technical Violation" (D.I. 59), and the court construing the same as a motion for a sentence of time served and immediate release,

IT IS HEREBY ORDERED that:

1. The United States shall respond to the said motion on or before October 26, 2006,
2. Defendant may file any reply to the response on or before November 1, 2006, and
3. Sentencing is set in this matter for November 3, 2006 at 11:00 a.m.


UNITED STATES DISTRICT JUDGE

October 23, 2006
Wilmington, Delaware

In The United States District Court
For The District OF Delaware

United States OF America
v.

Ronald G. Johnson #04431-015

Address
Federal Detention Center
P.O. Box 562

" Philadelphia, Pennsylvania 19106

Criminal Action No. 05-29-K.A.J.

Dear: Clerk

Please immediately notify the District
Court, Honorable Kent A. Jordan that I
have maxed-out my sentence possible

Administrative Notice

The Defendant Has Maxed - Out And Served Over The
Maximum Sentence For This Grade C Technical Violation

1.) " Statement OF The Facts "

a.) The Defendant has been incarcerated Since May, 2005 For
this Grade C Technical, Violation. It's now October, 2006
" 17 months has passed ". The Sentence Guideline For a
Grade C Technical Violation With maximum Criminal History
Catorgory VI carries 8-14 months maximum applicable
Sentence .

2.) 18 USCS 7B1.1

- a.) 7B1.1 Classification of Violation (Policy Statement)
- b.) 7B1.1(a)(3)(B) Grade C Violation (a violation of any Condition
of Supervision)
- c.) 7B1.4 Term OF Imprisonment (Policy Statement)

"Revocation Sentencing Table"

d) (a range of imprisonment applicable upon revocation is set forth in the following table see : Revocation Table Grade C : Criminal History Category VI 8-14 months applicable sentence)

"Proper Sentence Range"

e.) Sentencing at the top of the range is not applicable pursuant to Title 18 USC 3553(a)(1)(2)(4). The Technical Violation here consist of Defendant being drunk in bed 12:00 Midnight the fact that the Defendant was drunk was discovered by a Fourth Amendment Violation, Illegal Search and Seizure And Defendant's Stomach being pumped against his will. Further the evidence at the Violation of Probation Hearing Show the Defendant got drunk because of Serious Mental Stress and to make him unable to get in any trouble he might of got in had he been Sober while going threw serious problems in life (that day). (See : Defense made at Hearing of lesser of the two evils and incompetency and insane defense.) Defendant's mother was dying and died while he has been in Custody for this simple minor, lowest Violation. Defendant Future wife went insane this same night, And officers sought to blame defendant of Serious Felony charges and did charge him, had the Defendant been Sober enough to Commit the offense he most likely would of been convicted of the accuse Serious Felony charges of the officers. Which illegal arrest of these same officer sparked the Violation of Probation Revocation Proceeding. When it was seen there was no chance of obtaining a Conviction or Violation of Probation Revocation for the Charge over a year later it was charge to say I was drunk.

"Certificate OF Service (And) Oath And AFFidavit"

I Declare under penalty of perjury that the foregoing is true and correct (And)
The U.S. Probation Office and U.S. Attorney's Office Shannon Lee Hanson was served
a true and full copy Dec- red October 16, 2006 signed [Signature]